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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/526,878	03/16/2000	Takayuki Nabeshima	018656-035	1442
21839	7590	08/12/2004	EXAMINER	
BURNS DOANE SWECKER & MATHIS L L P			LETT, THOMAS J	
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ALEXANDRIA, VA 22313-1404			PAPER NUMBER	
			2626	

DATE MAILED: 08/12/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/526,878

Applicant(s)

NABESHIMA, TAKAYUKI

Examiner

Thomas J. Lett

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-8 is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katayama et al (US Patent 5,905,579 A) in view of Wuyts (US Patent 5,751,847 A).

Regarding claim 1, Katayama et al disclose an image reader that scans the image of an original (col 8, lines 51-52 and Fig. 9) (which reads on receiving image data obtained by reading an original document by an image sensor); an edge detecting circuit that detects edge pixels (col 9, lines 4-5), (which reads on extracting an edge portion using the received image data);

Katayama does not disclose determining a black edge based on obtaining brightness information, saturation information, and hue information with respect to the edge portion.

Wuyts discloses a method using a color camera 22, where the values of HSB (hue, saturation, and brightness) are determined of an object. Figure 5 shows the flowchart to arrive at a determination of an object being black. Katayama et al and Wuyts are analogous art because they are from the similar problem solving area of image area detection. At the time of the invention, it would have been obvious to a

person of ordinary skill in the art to add the camera feature of Wuyts to Katayama et al in order to obtain an information gathering tool to obtain values of an image component. The motivation for doing so would be to identify a property of an image.

Regarding claim 2, Katayama et al disclose an image reader 101 scans the image of an original by a CCD line sensor, for example, and outputs eight-bit image data in each of the colors R, G, B (col 8, lines 51-53), which reads on the image data has R, G, and B data.

Allowable Subject Matter

1. Claims 3-8 are allowed.
2. The following is an examiner's statement of reasons for allowance: Claim 3 of the current application teaches similar subject matter as the prior art of Katayama et al(US Patent 5,905,579 A). However, claim 3 is allowed for the reasons pointed out by Applicant's remarks (p5, third and fourth paragraphs).
3. It follows that independent claims 4 through 8 (apparatus claims), are inherently allowable for depending on an allowable base claim..

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

2. The Applicant responds to the objection of the abstract of the specification. The Applicant amends the abstract of the specification and overcomes the said objection to the abstract. The Examiner therefore withdraws the said objection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Lett whose telephone number is 703-305-8733. The examiner can normally be reached on 7-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

or Faxed to:

(703) 872-9314 (for Technology Center 2600 only).

Hand-delivered responses should be brought to:

Crystal Park II

2121 Crystal Drive

Arlington, VA

Sixth Floor (Receptionist).

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TJL



KA Williams
KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER